

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
[Previously Shelby Division]**

**CRIMINAL CASE NO. 4:96cr53-13**

UNITED STATES OF AMERICA, )  
                                )  
                                )  
                                )  
vs.                           )                           **O R D E R**  
                                )  
                                )  
TONY HOEY.                  )  
                                )

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**THIS MATTER** is before the Court on the Defendant's Request to Proceed *in Forma Pauperis* [Doc. 668] and his Motion to Reconsider Petitioner's Request for a Sentence Reduction pursuant to 18 U.S.C. §3582(c)(2) [Doc. 680].

In his first motion the Defendant apparently seeks the appointment of counsel. This motion is moot because on February 15, 2012 Attorney Ross Richardson appeared as counsel for the Defendant. [Doc. 672].

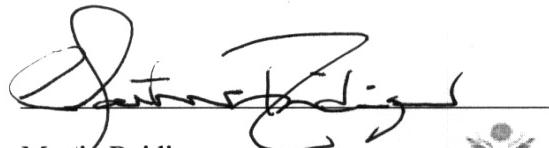
As to the second motion, neither the federal statutes nor the Rules of Criminal and Appellate Procedure provide for a motion for reconsideration in a criminal case. United States v. Joseph, 455 F. App'x. 341 (4<sup>th</sup> Cir. 2011).

**IT IS, THEREFORE, ORDERED** that the Defendant's Request to

*Proceed in Forma Pauperis* [Doc. 668] is hereby **DENIED** as moot.

**IT IS FURTHER ORDERED** that the Defendant's Motion to Reconsider Petitioner's Request for a Sentence Reduction pursuant to 18 U.S.C. §3582(c)(2) [Doc. 680] is hereby **DENIED**.

Signed: August 2, 2012



Martin Reidinger  
United States District Judge

